

ORIGINAL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,

Plaintiff,

Civil No. 1:CV-01-1005

v.

(Smyser, M.J.)

DONALD ROMINE,

Defendant.

43
12/17/02
w/g
FILED
HARRISBURG, PA

DEC 16 2002

MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

COMES NOW, the plaintiff, Michael Norwood, pro se, and hereby submits his opposition to the defendant's motion for summary judgment. For the reasons stated below, the defendant's motion must be denied.

In denying the defendant's motion to dismiss, this Court found that the plaintiff's amended complaint raised genuine issues of both fact and law upon which relief could be granted. The defendant elected not to oppose the Report and Recommendation issued by Magistrate Judge Smyser. Therefore, the doctrine of res judicata should bar the defendant from attempting to relitigate the very same factual and legal claims which were previously decided adversely against him by this Court.

In opposition to the defendant's motion for summary judgment, the plaintiff relies upon his affidavit previously submitted to this Court in opposition to the defendant's motion to dismiss,

his answers given while deposed by the defendant's counsel on September 25, 2002, Exhibit 000021 that is attached to the defendant's motion to dismiss and for summary judgment, and the Report and Recommendation of the Magistrate Judge, previously filed with this Court.

Respectfully submitted,



MICHAEL NORWOOD, Pro Se
Reg. No. 06970-014
P.O. Box 1000
Lewisburg, PA 17837

Dated: December 11, 2002

CERTIFICATE OF SERVICE

This is to certify that a copy of the Plaintiff's Opposition to Defendant's Motion for Summary Judgment has been mailed to counsel for the defendant, Joseph J. Terz, AUSA, 316 Federal Bldg., 240 West Third Street, Williamsport, PA 17703, by placing same in a postage prepaid envelope and by inserting same in a U.S. Mailbox this 11th day of December, 2002.



MICHAEL NORWOOD